

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through video conferencing****MCRC No. 2478 of 2021**

- Mahendrapal @ Mahesh S/o Ramdas Pal Aged About 24 Years R/o Kota Gadariyapara, Ward No. 5, Police Station Tilda- Nevra, District: Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through: Police Station Tilda- Nevra, District: Raipur, Chhattisgarh.

---- Respondent

For Applicant - Shri Pushpendra Kumar Patel, Advocate.
For Respondent/State - Shri Vikram Sharma, Dy. Government Advocate

(the prosecutrix has joined the video conferencing through D.L.S.A., Raipur, Chhattisgarh)

Hon'ble Shri Prashant Kumar Mishra Ag. Chief Justice
Order on Board

23-07-2021

1. Heard.
2. This is the second bail application under Section 439 of Cr.P.C. The first bail application of the applicant was dismissed as withdrawn with liberty to revive the prayer after examination of the prosecutrix on 15-09-2020 in MCRC No. 4702 of 2020. Now, the prosecutrix has been examined.
3. The applicant has preferred the Second bail application under Section 439 of the Cr.P.C., as he has been arrested in connection with Crime No.118/2020, registered at Police Station – Tilda, Nevra District-

Raipur (C.G.) for the offence punishable under Sections 376 of the Indian Penal Code and under Sections 4 and 6 of the Protection of Children from Sexual offences Act, 2012.

4. As per allegation contained in the case diary, the applicant committed forcibly sexual intercourse with the prosecutrix on promise to marry from April 2019 onwards. Her date of birth is 27-03-2004, however, when examined in the Court vide deposition **Annexure A-3**, she has stated that pursuant to an affair with the applicant, they had performed marriage at temple and presently she is residing in her marital house. She also admits on giving birth to a baby boy on 24-03-2020 of her relation with the present applicant.
5. Learned State counsel would oppose the prayer for grant of bail.
6. The prosecutrix is also appearing through video conferencing facility available at District Legal Service Authority (D.L.S.A.), Raipur. She has no objection if the applicant is released on bail.
7. Considering the statement of prosecutrix and for the fact that the applicant is in jail since 24-04-2020 and also the prosecutrix has no objection in releasing the applicant on bail, I am inclined to release the applicant on bail.
8. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

SD/-

(Prashant Kumar Mishra)
Acting Chief Judge

Amardeep